



HC

PATENT
Customer No. 22,852
Attorney Docket No. 6502.0018-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Vladimir MATENA) Group Art Unit: 2131
Application No.: 09/849,605) Examiner: Chi Chung Lee
Filed: November 20, 2000)
For: METHOD AND APPARATUS FOR)
RELIABLE DISK FENCING IN A)
MULTICOMPUTER SYSTEM)

Commissioner for Patents
P.O. Box 1450
Washington, DC 20231

Sir:

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FEB 24 2004

Technology Center 2100

TERMINAL DISCLAIMER

Assignee, Sun Microsystems, Inc., duly organized under the laws of Delaware and having its principal place of business at 4120 Network Circle, Santa Clara, CA 95054, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/849,605, filed November 20, 2000 for METHOD AND APPARATUS FOR RELIABLE DISK FENCING IN A MULTICOMPUTER SYSTEM in the name of Vladimir Matena, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 7761, Frame 0121. Assignee, Sun Microsystems, Inc., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 5,996,075, as indicated by assignment duly recorded in the United States Patent and Trademark

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Office at Reel 7761, Frame 0121, and U.S. Patent No. 6,243,814, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 7761, Frame 0121.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent Nos. 5,996,075 and 6,243,814, Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer.

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If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

By:

Jeffrey A. Berkowitz
Registration No. 36,743

Dated: February 13, 2004

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PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In re Continuation Application of:
Valadimir MATENA

Application No.: Not Yet Assigned
Filed: November 20, 2000

Group Art Unit: 2785
Examiner: Dieu-Minh Thai LE

Title: METHOD AND APPARATUS FOR RELIABLE DISK
FENCING IN A MULTICOMPUTER SYSTEM

1. Second Preliminary Amendment (12 pages)



Date: February 27, 2001

CASE REF.: 06502.0018-02
JAB:EHA:laf

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